

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

HITACHI CONSUMER ELECTRONICS
CO. LTD., and HITACHI ADVANCED
DIGITAL, INC.,

Plaintiffs,

v.

TOP VICTORY ELECTRONICS
(TAIWAN) CO. LTD.,
TPV INT'L (USA), INC., ENVISION
PERIPHERALS, INC., TOP VICTORY
ELECTRONICS (FUJIAN) CO. LTD.,
TPV ELECTRONICS (FUJIAN) CO.
LTD., TPV TECHNOLOGY LTD., and
VIZIO, INC.

Defendants.

and

VIZIO, INC.,

Counterclaim-Plaintiff,

v.

HITACHI, LTD., HITACHI CONSUMER
ELECTRONICS CO., LTD., HITACHI
ADVANCED DIGITAL, INC., HITACHI
AMERICA, LTD., and HITACHI HOME
ELECTRONICS (AMERICA), INC.

Counterclaim-Defendants.

Civil Action No. 2:10-cv-260-JRG

JURY TRIAL DEMANDED

**DEFENDANTS' NOTICE OF DISCLOSURE OF
PRIOR ART PURSUANT TO 35 U.S.C. § 282**

Please take notice, pursuant to 35 U.S.C. § 282, that the following references may be
relied upon by Defendants Top Victory Electronics (Taiwan) Co., Ltd., TPV Int'l (USA), Inc.,
Envision Peripherals, Inc., Top Victory Electronics (Fujian) Co. Ltd., TPV Technology Ltd.

(“TPV”) and VIZIO, Inc. (“VIZIO”) as anticipation of one or more of U.S. Patent Nos.

6,037,995 (the ’995 patent); 6,388,713 (the ’713 patent); 6,144,412 (the ’412 patent); 6,549,243 (the ’243 patent); 7,889,281 (the ’281 patent); 7,012,769 (the ’769 patent); 7,286,310 (the ’310 patent); 8,009,375 (the ’375 patent); and 5,502,497 (the ’497 patent) (the “Patents-in-Suit”), or as showing the state of the art.¹

I. ’995 REFERENCES

1. U.S. Patent 5,784,095 to Robbins et al. (filed Mar. 21, 1996, issued Jul. 21, 1998)
2. U.S. Patent 5,805,763 to Lawler et al. (filed May 5, 1995, issued Sep. 8, 1998)
3. U.S. Patent 5,793,438 to Bedard (filed Apr. 3, 1996, issued Aug. 11, 1998)
4. U.S. Patent 5,844,620 to Coleman et al. (filed Nov. 29, 1995, issued Dec. 1, 1998)
5. U.S. Patent 5,353,121 to Young et al. (filed Mar. 19, 1993, issued Oct. 4, 1994)
6. U.S. Patent 5,602,563 to Chang et al. (filed Dec. 15, 1993, issued Feb. 11, 1997)
7. U.S. Patent 5,136,505 to Inamori et al. (filed Aug. 3, 1989, issued Aug. 4, 1992)
8. The SONY Receiver and accompanying documentation, including Sony Digital Satellite Receiver Operating Instructions (1995)
9. The Philips Receiver and accompanying documentation, including DirectTV Satellite Receiver User Manual DSX 5150, DSX 5353, and DSX 5375 (1993)

II. ’713 REFERENCES

1. JP Pub. No. S60-172891 to Shimbo (published Sep. 6, 1985)
2. U.S. Patent No. 6,342,927 to Kimoto (filed Nov. 8, 1996, issued Jan. 29, 2002)
3. U.S. Patent 5,097,976 to Oda (filed Oct. 10, 1990, issued Mar. 24, 1992)
4. U.S. Patent No. 5,675,391 to Yamaguchi (filed Mar. 23, 1995, issued Oct. 7, 1997)

¹ Defendants incorporate by reference all of the art cited in the invalidity expert reports of Anthony Wechselberger, Cliff Reader, and John Roop and all of the art cited in Defendants’ Invalidity Contentions and Defendants’ Supplemental Invalidity Contentions that pertains to the Patents-in-Suit.

5. U.S. Patent No. 5,929,930 to Kurokawa (filed Jun. 30, 1995, issued Jul. 27, 1999)
6. U.S. Patent No. 5,815,215 to Yang (filed Jul. 30, 1996, issued Sep. 29, 1998)
7. U.S. Patent No. 5,204,748 to Lagoni (filed Dec. 11, 1991, issued Apr. 20, 1993)
8. U.S. Patent No. 5,237,417 to Hayashi (filed Feb. 28, 1991, issued Aug. 17, 1993)
9. U.S. Patent No. 6,501,514 to Townsend (filed May 22, 1996, issued Dec. 31, 2002)
10. U.S. Pat. No. 6,005,562 to Shiga (filed Jul. 19, 1996, issued Dec. 21, 1999)
11. U.S. Patent No. 5,202,765 to Lineberry (filed May 6, 1991, issued Apr. 13, 1993)

III. '412 REFERENCES

1. U.S. Pat. No. 5,526,051 to Gove (filed Oct. 27, 1993, issued Jun. 11, 1996)
2. U.S. Pat. No. 5,473,381 to Lee (filed Aug. 1, 1994, issued Dec. 5, 1995)
3. U.S. Pat. No. 5,029,006 to Katsumata (filed Apr. 25, 1989, issued Jul. 2, 1991)
4. U.S. Pat. No. 5,796,442 to Gove (filed Nov. 2, 1994, issued Aug. 18, 1998)
5. U.S. Pat. No. 5,530,482 to Gove (filed Mar. 21, 1995, issued Jun. 25, 1996)
6. "A Compilation of Advanced Television Systems Committee Standards, Guide to the Use of the ATSC Digital Television Standard" (April 1996)
7. "ISO/IEC 13818-2: 1995 (E)" (1995)

IV. '243 AND '281 REFERENCES

1. U.S. Pat. No. 5,519,446 to Lee (filed Nov. 14, 1994, issued May 21, 1996)
2. U.S. Pat. No. 5,828,788 to Chiang (filed Dec. 14, 1995, issued Oct. 27, 1998)
3. "A Compilation of Advanced Television Systems Committee Standards, Guide to the Use of the ATSC Digital Television Standard" (April 1996) (Same references as for the 412)
4. U.S. Pat. No. 5,444,491 to Lim (filed Dec. 6, 1994, issued Aug. 22, 1995)
5. U.S. Pat. No. 5,187,575 to Lim (filed Dec. 29, 1989, issued Feb. 16, 1993)

V. '769, '310, AND '375 REFERENCES

1. "Advanced Digital Communications: Systems and Signal Processing Techniques"

by Kamilo Feher

2. “Teleconferencing” by K. Ramamohan Rao and Ram Srinivasan
3. DigiCipher HDTV system and accompanying documentation, including DigiCipherTM HDTV System (April 8, 1990)
4. The International Telegraph and Telephone Consulting Committee (1988), including:
 - a. H.221: Series H: Audiovisual and Multimedia Systems: Transmission multiplexing and synchronization: Frame Structure for a 64 kbit/s Channel in Audiovisual Teleservices
 - b. H.261: H: Audiovisual and Multimedia Systems: Coding of moving video: Codec for Audiovisual Services at $n \times 384$ kbit/s
 - c. G.704: Series G: Transmission Systems and Media, Digital Systems and Networks: General aspects of digital transmission systems; terminal equipments; Synchronous Frame Structures used at Primary and Secondary Hierarchical Levels
 - d. G.711: General Aspects of Digital Transmission Systems: Terminal Equipments: Pulse Code Modulation (PCM) of Voice Frequencies
 - e. G.722: General Aspects of Digital Transmission Systems: Terminal Equipments: 7kHz Audio - Coding within 64 KBIT/S
5. “Sixth International Conference on Digital Satellite Communications: A Codec System for Worldwide Videoconferencing” by R.C. Nicol and T.S. Duffy (September 19-23, 1983)
6. U.S. Pat. No. 4,302,775 to Widergren (filed Dec. 15, 1978, issued Nov. 24, 1981)
7. U.S. Pat. No. 5,070,503 to Shikakura (filed Mar. 7, 1989, issued Dec. 3, 1991)
8. U.S. Pat. No. 5,218,454 to Nagawasa (filed Mar. 22, 1990, issued Jun. 8, 1993)
9. U.S. Pat. No. 6,084,730 to Ikeda (filed Jun. 6, 1995, issued Jul. 4, 2000)
10. U.S. Pat. No. 4,914,527 to Asai (filed Mar. 24, 1989, issued Apr. 3, 1990)

VI. '497 REFERENCES

1. “Specification of the System of the MAC/Packet Family,” European Broadcast Union (October 1986)
2. The International Telegraph and Telephone Consulting Committee (1990),

including:

- a. H.221: Line Transmission of Non-Telephone Signals: Frame Structure for a 64 to 1920 kbit/s Channel in Audiovisual Teleservices
 - b. H.261: Line Transmission of Non-Telephone Signals: Video Codec for Audiovisual Services at $p \times 64$ kbit/s
3. European Pat. Appl. No. 0 319 105 by Ruitenburg, published July 6, 1989
4. Oak Communications Inc., Sigma 2000 Set Top Box and accompanying photographs and documentation, including:
 - a. Oak Communications, Domestic Cable Sigma Decoder Design Requirement Bulletin - Phase 2 (Nov. 13, 1985)
 - b. Introduction to Cable SIGMA, Oak Communications, Inc.
 - c. Oak Sigma. The new standard in secure addressable cable systems.
 - d. Introducing the Sigma 2000 (1989)
 - e. Oak Sigma 2000 Decoders: The Most Decoder for Your Money, Oak Communications, Inc.
 - f. Sigma Encoder and Specification
 - g. Once you've defined your terms, hard choices become obvious, Oak Communications, Inc.
 - h. Sigma 2000, The Future of Cable has been Addressed, Oak Communications, Inc.
 - i. 45% Smaller, 100% Secure, Sigma 2000, Oak Communications, Inc. (Jan. 1, 1990)
 - j. Oak Industries Inc. 1986 Annual Report & Form 10-K
 - k. Oak's proposal for the Addressable Decoders and Security Systems, prepared for Cox Cable San Diego, and accompanying letter, Oak Communications, Inc. (May 1, 1989)
5. U.S. Pat. No. 5,223,944 to Shimada (filed Nov. 29, 1989, issued Jun. 29, 1993)
6. U.S. Pat. No. 4,651,208 to Rhodes (filed Mar. 18, 1985, issued Mar. 17, 1987)
7. U.S. Pat. No. 5,113,440 to Harney (filed May 15, 1991, issued May 12, 1992)

VII. PERSONS WITH KNOWLEDGE²

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Dated: March 1, 2013

Respectfully submitted,

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² Defendants incorporate by reference any person on Plaintiff's Trial Witness List with knowledge of prior art to the Patents-in-Suit and all individuals identified in Defendants' initial disclosures, Defendants' Invalidity Contentions, and Defendants' Supplemental Invalidity Contentions that have knowledge of prior art to the Patents-in-Suit.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on March 1, 2013.

/s/ Michele Fiorentine